

## REMARKS/ARGUMENTS

### **I. General Remarks and Disposition of the Claims.**

Claims 1-46 are pending in this application. Applicants have not included a listing of claims in this Response because Applicants have not made any claim amendments herein. *See* MANUAL OF PATENT EXAMINING PROCEDURE §714(II)(C) (2004) (hereinafter “MPEP”).

Claims 21-23 and 44-46 have been allowed. Claims 1-4, 6, 8, 12-20, 24-29, 31, and 35-43 stand rejected. Claims 5, 7, 9-11, 30 and 32-34 are objected to as being dependent upon a rejected base claim. Applicants respectfully request reconsideration of the application in view of the remarks contained herein.

### **II. Statement of Common Ownership Removing the *Chatterji* Reference as Prior Art Under § 103(a).**

The Examiner has rejected Claims 1-4, 6, 8, 12-20, 24-29, 31, and 35-43 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,986,391 issued to Funkhouser (hereinafter “*Funkhouser*”) in view of U.S. Patent No. 6,454,008 issued to Chatterji *et al.* (hereinafter “*Chatterji*”).” (Office Action at 2.)

The present application and *Funkhouser* were, at the time the invention of present application was made, both owned by Halliburton Energy Services, Inc. As the present application was filed on or after November 29, 1999, a statement of common ownership, at the time the invention of the present application was made, is sufficient to remove prior art from the purview of 35 U.S.C. § 103(a) if that prior art would have been prior art only under 35 U.S.C. § 102(e). MPEP § 706.02(l). Accordingly, *Funkhouser* is not prior art under 103(a) in accordance with 35 U.S.C. § 103(c). Thus, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection against claims 1-4, 6, 8, 12-20, 24-29, 31, and 35-43 is no longer applicable and that this rejection should be withdrawn.

## SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due with this response; however, the Commissioner is authorized to debit any fees to Halliburton Energy Services, Inc.'s Deposit Account No. 08-300 for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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